

Application No. 10/802,320
Amendment Dated: July 20, 2005
Reply to Office Action of: April 20, 2005

REMARKS

Claims 1-3, 5, 6, 8-10, 12, 14-16, 18 and 19 are amended. No claims are cancelled. Upon entry of the amendment claims 1-20 are presented for reconsideration by the Examiner.

CLAIM OBJECTIONS

The Examiner objected to claims 1-3, 5, 6, 8-10, 12, 14-16, 18 and 19 because of informalities. These claims are amended to correct any informalities properly raised by the Examiner. The amendments to claims 1-3, 5, 6, 8-10, 12, 14-16, 18 and 19 are believed to overcome any objections raised by the Examiner.

Claim Rejections 35 U.S.C. § 103(a)

Claims 1, 2, and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,297,455 to Wijnberg et al (Wijnberg). In view of U.S. Patent No. 6,142,824 to Savoca et al (Savoca).

Claim 1 recites as follows:

A cable assembly for an electrosurgical pencil comprising a power and signal transmitting multiple-core cable with an attachment plug, in which a power transmitting core has more conductors and thicker insulation than two signal transmitting cores, said attachment plug having either plastic plug-pins with spring-steel strips, or metal plug-pins with recesses on a plug body near the plug-pins to provide flexibility in mating with a socket.

The Examiner admits that Wijnberg does not disclose a cable having an attachment plug including plastic plug-pins with spring-steel strips. The Examiner turns to Savoca as disclosing such a plug. The Examiner makes reference to Figure

3 of Savoca. Savoca is directed to a suspension connector assembly for supporting a lamp. Figure 3 of Savoca is a side view of a male connector including four pins, each of which having a conductive end portion 57 and an insulated over-travel portion 59 that mechanically connects the conductive end portion 57 with a plug member 62 (column 4 lines 57-61). Savoca does not disclose, teach or suggest plastic plug-pins having spring-steel strips as suggested by the Examiner. Further, there is no motivation in Wijnberg or Savoca that would lead one of skill in the art to combine the teachings of two references.

The Examiner has failed to present a *prima-facie* case of obviousness with respect to claim 1. Claim 1 is patentable over the Examiner's proposed combination for at least these reasons.

Claims 2-7 depend directly or indirectly from claim 1 and are patentable for at least the reasons stated in support of claim 1.

Claim 8 recites:

In combination,
an electrosurgical pencil; and
a cable assembly for said electrosurgical pencil comprising a power and signal transmitting multiple-core cable with an attachment plug, in which a power transmitting core has more conductors and thicker insulation than two signal transmitting cores, said attachment plug having a pair of plastic plug-pins each with a spring-steel strip to provide flexibility in mating with a socket.

Claim 8 also requires the plug to have "a pair of plastic plug-pins each with a spring-steel strip to provide flexibility in mating with a socket." As previously discussed with regard to claim 1, the Examiner's proposed

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combination of Wijnberg and Savoca does not disclose, teach or suggest a cable assembly including a plug having plastic plug-pins each with a spring-steel strip to provide flexibility in mating with a socket" as recited in Claim 8. Claim 8 is patentable over the Examiner's proposed combination for at least this reason.

Claims 9-13 depend directly or indirectly from claim 8 and are patentable for at least the reasons stated in support of claim 8.

Claims 1, 5 and 8, 12, 14, 15, 18 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wijnberg in view of U.S. Patent No. 5,993,256 to Shimojyo (Shimojyo).

Claim 14 recites as follows:

In combination:

- an electrosurgical pencil; and
- a cable assembly for an electrosurgical pencil comprising a power and signal transmitting multiple-core cable with an attachment plug, in which [the] a power transmitting core has more conductors and thicker insulation than two signal transmitting cores, said attachment plug having metal plug-pins with recesses on a plug body near the plug-pins to provide flexibility in mating with a socket.

In making the rejection, the Examiner admits that Wijnberg does not disclose the cable having an attachment plug which has metal plug-pins with a recess on the plug-body near the plug-pins as recited in claims 1, 12 and 14. The Examiner directs our attention to Figure 6 of Shimojyo, without identifying any particular reference numerals for the "plug-body", "plug-pins" or the "recess(es)" on the plug-body near the plug-pins as recited in rejected claims 1, 12 and 14. Figure 6 of Shimojyo illustrates a connector having a body 31 defining contact holes 32 in which respective socket contacts 42 are to be press

fitted. The connector shown in Figure 6 of Shimojyo corresponds more closely to a socket than to the plug-pins recited in claims 1, 8 and 14. Shimojyo does not disclose, teach or suggest any relationship between a recess on the plug body and improvement in plug flexibility as recited in claims 1 and 14. Further, the disclosures of Wijnberg and Shimojyo include no motivation that would lead one of skill and art in possession of one reference to seek out the teachings of the other reference.

In sum, the Examiner has failed to present a *prima facie* case of obviousness with respect to claims 1, 12 and 14.

The Examiner's proposed combinations fail to disclose, teach or suggest all of the features recited in independent claims 1, 8 and 14. Further, there is no motivation to make the Examiner's proposed combination of Wijnberg and Shimojyo, either in the references themselves or in the knowledge of one of skill in the art except as taught by Applicant's Specification.

For all of the foregoing reasons, independent claims 1, 8 and 14 are patentable over the Examiner's proposed combinations of Wijnberg with Savoca or Shimojyo.

Claims 2-7 depend from claim 1 and are patentable for at least the reasons stated in support of claim 1.

Claims 9-13 depend directly or indirectly from claim 8 and are patentable for at least the reasons stated in support of claim 8.

Claims 15-20 depend directly or indirectly from claim 14 and are patentable for at least the reasons stated in support of claim 14.

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Allowable Subject Matter

In the Office action dated April 20, 2005, the Examiner indicates that claims 3, 4, 6, 10, 11, 16, 17 and 19 recite patentable subject matter and would be allowable over the prior art of record.

For all the forgoing reasons, Applicant respectfully requests allowance of claims 1-20.

It is respectfully submitted that all claims in the application as amended are in condition for allowance. Accordingly, favorable reconsideration by the Examiner is respectfully solicited.

Respectfully Submitted,

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